

Brownfields Advisory Committee (BAC)
DNREC's New Castle Field Office
391 Lukens Drive
New Castle, Delaware
June 2, 2011*
Meeting Minutes

Attendees:

William Baldwin, Action Environmental
Todd Coomes, RLF
Kathy Fox, EA Engineering
Karl Kalbacher, NCC Director of Redevelopment
David Kane, Tetra Tech
Mark Lannan, BrightFields
June MacArtor
Harry Monck, DeEASI
Dr. Paul Sample, Tech. Advisory Office and Samples, Inc.
Doug Seavey, Landmark Engineering/JCM Environ.
Eileen Snyder, Columbia Analytical
Mike Vanderslice, Environmental Alliance
Chris Whallon, Duffield

DNREC:

Marjorie Crofts
Melissa Leckie
Steven Johnson
Robert Newsome
Jim Poling
Alex Rittberg
Qazi Salahuddin
Tim Ratsep
Paul Will
Christina Wirtz

DOJ

Keith Brady

*Note information regarding the June 2 meeting is available online at:

<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

Introductions and Opening Remarks – Director Marjorie Crofts welcomed new and old members and provided an update on recent changes:

- 1) Kathy Stiller has accepted the position of Director of DNREC's Division of Water (May 2011).
- 2) The Division's organizational structure is changing its nomenclature from "branch" to "section," e.g., SIRB is now the Site Investigation and Restoration Section (SIRS) and TMB is the Tank Management Section (TMS).
- 3) The Hazardous Substances Cleanup Act (HSCA) will expire at the end of this year, including all cleanup authorities under Chapter 91. The HSCA reauthorization bill, HB 163, was introduced and assigned to the Natural Resources Committee in the House of Rep., June 7, 2011.

Approval of Minutes from March 3 Meeting – The meeting minutes were unanimously approved.

Brownfields Grants FY11/EPA Revolving Loan Fund – To date, there is still grant money available for BF's sites. The EPA Revolving Loan Fund also has \$600,000 available for remedial costs and \$200,000 in subgrant money. Also, EPA Brownfields Subtitle C money is available for investigations.

Updates for SIRS:

- 1) The BAC-approved, revised Brownfields Grant Policy is now on the BAC and Brownfield websites.
- 2) The Presumptive Remedy Policy is being reviewed for changes or for sunseting (only used once). This will go to the BF's Financing Subcommittee for revision or other recommendations. The policy and recommendations will be sent to the BAC prior to voting on it at the next BAC meeting.
- 3) The official launch of the Brownfields Marketplace inventory, now on line at: <http://apps.dnrec.state.de.us/BFExt/BFExtMain.aspx>, was announced on 5/13/11 by Governor Markell as part of his proposal to allocate \$4 million from recent increases in projected state revenues to the HSCA fund for BF's and other environmental cleanups. The announcement also

included restoring \$1 million a year for the next 2 years to HSCA that had been diverted to the General Fund. Many thanks to the BAC for their input on the inventory!

No land-disturbing activities on SIRS sites: Keith Brady and Jim Poling reiterated that there should not be any land-disturbing activities such as testing or trenching on BF's and VCP sites without an approved work plan. This includes sites that are assigned or leased to 3rd parties. This will be added to the BF's certification, but all BDAs explicitly require letting a 3rd party know that they have leased a BF's site and associated stipulations.

ARRA Update for TMS –TMS received a 3-month extension to complete work with ARRA funding. Tank sites are being reprioritized according to rate of cleanup.

Subcommittee Report Outs:

- **Brownfields Financing Subcommittee** – Discussion on BF's grant funding, windfall provisions, initial “deductibles” and other funding concerns. Want to promote cleanup on sites vs. just initial investigation.
- **Regulatory Development Subcommittee** –The subcommittee is working on the definitions; the draft regulations are under legal review by the DAGs. There will be one public hearing in Dover, and a public workshop in each of the 3 counties.
- **Brownfields Outreach and Education Subcommittee** – The brownfields survey was sent out to several distribution lists as a pilot including the CCOBH. The subcommittee is evaluating the results and will present metrics at next meeting.

Reimbursement reminder from Melissa: BF's grant reimbursements can be processed through June 13. No reimbursements will be processed for 2-3 weeks in July, but will likely resume after July 18th.

Other site issues: Marj introduced the dry cleaning initiative, MTBE in public wells in Selbyville.

Public Comments: None, however, Bill Baldwin mentioned that DelTech students are available for internships.

Next Meeting – The next BAC meeting will be held on **Sept. 1, 2011** at the Lukens office.